JC06 Rec'd PCT/PTO 09 MAY 2005

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Marcel AESCHLIMANN, et al.

**Group Art Unit** 

(Unassigned)

Application No.

(Unassigned)

Examiner

(Unassigned)

Filed

(Herewith)

Docket No.

13016/2

For

SET AND METHOD FOR PRODUCING A HEARING

AID AND HEARING AID PRODUCED ACCORDING TO

THIS METHOD

## INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS Customer Service Window Randolph Bldg. 401 Dulany Street Alexandria, VA 22314

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

| ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.   |
|---|
| a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).  |
| b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).   |
| c. Please debit Deposit Account No. <u>11-0600</u> in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).   |
| 3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. |
| a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).  |
| b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).   |
| <ol> <li>Relevance of the non-English language reference(s) is discussed in the<br/>present specification.</li> </ol>   |
| ☐ 5. The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.   |

- 6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.
- 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_\_, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.
- 8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.
- 9. The reference(s) was/were cited by or submitted to the Office in parent application No.\_\_\_\_\_\_, filed \_\_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).
- ☑ 10. English-language Abstracts of the non-English language references are attached hereto.
- ☑ 11. No copies of U.S. references are required.
- ☑ 12. The references were cited in the International Search Report, a copy of which is enclosed.

Respectfully submitted,

Date: 09 May 2005

Gary S. Morris Reg. No. 40,735

KENYON & KENYON 1500 K Street, N.W. Washington, D.C. 20005

Telephone: (202) 220-4200 Facsimile: (202) 220-4201

10/534350

JC06 Rec'd PCT/RHQ B/GB 98-GH AY 2005 Approved for upon 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office DEPARTMENT OF COMMERCE Index the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| Substitute for form 1449A/PTO |                                   |    |          | Complete if Known      |                                |  |
|-------------------------------|-----------------------------------|----|----------|------------------------|--------------------------------|--|
|                               |                                   |    |          | Application Number     | (Natl. Phase of PCT/CH03/0642) |  |
| INFORMATION DISCLOSURE        |                                   |    |          | Filing Date            | (Herewith)                     |  |
| STATEMENT BY APPLICANT        |                                   |    | PPLICANT | First Named Inventor   | AESCHLIMANN, Marcel            |  |
|                               |                                   |    |          | Art Unit               | (Unassigned)                   |  |
|                               | (Use as many sheets as necessary) |    |          | Examiner Name          | (Unassigned)                   |  |
| Sheet                         | 1                                 | of | 1        | Attorney Docket Number | 13016/2                        |  |

|                      | U.S. PATENT DOCUMENTS    |  |                                |                                  |   |  |  |
|----------------------|--------------------------|--|--------------------------------|----------------------------------|---|--|--|
| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | Document Number                            | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear |  |  |
|                      |                          | Number - Kind Code <sup>2</sup> (if known) |                                | Cited Document                   |   |  |  |
| /B.E./               | 1                        | US-5,321,757                               | 06/14/94                       | WOODFILL, Jr.                    |   |  |  |
|                      | -                        |  |                                | <del> </del>                     |   |  |  |
|                      | <b>-</b>                 | 1  |                                |                                  |   |  |  |
|                      |                          |  |                                |                                  |   |  |  |
|                      |                          |  |                                |                                  |   |  |  |
|                      |                          | US-  |                                |                                  |   |  |  |
|                      |                          | US-  |                                | T                                |   |  |  |
|                      |                          | US-  |                                |                                  | <del>-</del>  |  |  |
|                      |                          | US-  |                                |                                  |   |  |  |
|                      |                          | US-  |                                |                                  |   |  |  |
|                      |                          | US-  |                                |                                  |   |  |  |
| <u> </u>             |                          | US-  |                                |                                  |   |  |  |
|                      |                          | US-  |                                |                                  |   |  |  |
|                      |                          | US-  |                                |                                  |   |  |  |
|                      |                          | US-  |                                |                                  |   |  |  |
|                      |                          | US-  |                                |                                  |   |  |  |

| FOREIGN PATENT DOCUMENTS |              |  |                    |                                |  |  |
|--------------------------|--------------|--|--------------------|--------------------------------|--|--|
| Examiner<br>Initials*    | Cite<br>No.1 | Foreign Patent Document  | Publication        | Name of Patentee or            | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear |  |
|                          |              | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> ( <i>if known</i> ) | Date<br>MM-DD-YYYY | Applicant of Cited<br>Document |  |  |
| /B.E./                   | 1            | EP 0 821 541 A2  | 01/28/98           | BERNAFON AG                    |  |  |
| /B.E./                   | 2            | EP 0 821 542 A2  | 01/28/98           | BERNAFON AG                    |  |  |
| 7B.E./                   | 3            | EP 0 821 543 A2  | 01/28/98           | BERNAFON AG                    |  |  |
| /B.E./                   | 4            | UK 2 203 379 A   | 10/19/88           | OTICON A/S                     |  |  |
|                          |              |  |                    |                                |  |  |
|                          |              |  |                    |                                |  |  |
| -                        |              |  |                    |                                |  |  |
|                          |              |  |                    |                                |  |  |

| _ |                       |               |                    |            |  |
|---|-----------------------|---------------|--------------------|------------|--|
|   | Examiner<br>Signature | /Brian Ensey/ | Date<br>Considered | 06/17/2008 |  |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁵ Applicant is to place a check mark here if English language Translation is attached.

English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. #496699